

## **REMARKS**

### **SUMMARY:**

The present application sets forth original claims 1-50, of which claims 1-21 have been withdrawn and of the remaining claims, claims 22, 35, and 46 are independent claims. None of the amendments add any new matter to the subject application.

Original Claims 22-30, 32-37, 42-48, and 50 stand rejected under 35 U.S.C §103(a) as being allegedly obvious over the article by Van Collie entitled "Construction Loan Tool From PriMerit, NewTrend" in view of U.S. Published Application No. 2001/0054022 (Louie et al.). Claims 31, 38-41, and 48 stand rejected under 35 U.S.C §103(a) as being allegedly obvious over Van Collie in view of Louie et al. and further in view of Official Notices taken by the Examiner.

The initial grounds of rejection are respectfully traversed, as follows.

### **REJECTION OF ORIGINAL CLAIMS 22-30, 32-37, 42-48, and 50 (35 U.S.C. §103(a)):**

Original Claims 22-30, 32-37, 42-48, and 50 stand rejected under 35 U.S.C §103(a) as being allegedly obvious over the article by Van Collie entitled "Construction Loan Tool From PriMerit, NewTrend" in view of U.S. Published Application No. 2001/0054022 (Louie et al.). Based on the following remarks, Applicants respectfully traverse such alleged obviousness.

Before setting forth a discussion of the prior art applied in the recent non-final Office Action, it is believed that a general discussion of the disclosed subject

matter may be helpful as background to a discussion of the specifically claimed subject matter.

The present technology is directed toward the automatic administration of construction loans. Business relationships are established between a builder (borrower), a dealer (inspector), and a system administrator. Other entities including lenders and various contractors, subcontractors, and suppliers are also involved. Initial steps in setting up the loan administration system provide for registration and certification of selected of the participants. Registration may involve establishing an account including user identification and password information through a web-base system. Certification may include submission of information to a system administrator for review and entry of appropriate data into the loan administration system. In addition, builders (borrowers) are assigned a line of credit based on predetermined criteria. Based on the line of credit, builders (borrowers) may apply for specific loans for funding of specific projects by providing project related information. Automatic funds transfers to pay for completed portions of such specific projects may then be made directly to appropriate entities for services, materials, etc. rendered and/or provided.

With such brief background in mind and with reference now in particular to the outstanding rejection of original Claims 22-30, 32-37, 42-48, and 50 under 35 U.S.C §103(a) as being allegedly obvious over the article by Van Collie in view of Louie et al., it should first be noticed that independent claim 22 is directed to (in pertinent part; emphasis added) "An automated process for approving and administering a construction loan, ...comprising a builder initialization subprocess, comprising providing requested builder data to an on-line system; ... and establishing a builder line of credit; a dealer initialization subprocess, ... a project-specific loan application subprocess, comprising providing requested project specific loan data to an on-line system; analyzing said requested project

specific loan data; and approving a builder for a project-specific loan based at least in part on the established line of credit ...."

It should further be noticed that independent claim 35 is directed to (in pertinent part; emphasis added) "A web-based application for providing a multi-level construction system, ...comprising ... a registration service, available to prospective builders or dealers, for registering in said web-based application; a certification service, available to registered builders or dealers, for obtaining certification to participate in said multi-level construction system; a credit line establishment service, available to certified builders, for establishing funding limits for loan applications; a loan application service, available to builders, for requesting monetary funding for a construction project; a draw request service, available to builders, for requesting an allotted increment of an approved loan; and an inspection verification service, available to dealers, for verifying progress on a given project and for providing corresponding partial project approval."

Further still, it should be noticed that independent claim 46 is directed to (in pertinent part; emphasis added "A web-based communications network for automatically administering a controlled relationship between a borrower and an inspector for automated construction loan financing, comprising an initialization service for registering and certifying potential borrowers and potential inspectors ...; a credit line establishment service, available to certified potential borrowers, for establishing funding limits for loan applications; a funding account service for storing monetary funding ... for association with a specific construction loan ... and an automated draw request service ... for facilitating transfer ... of a monetary allotment ... to an associated specific funding account, ... without requiring a direct loan to a borrower."

As can be seen from the above, a significant aspect of the presently claimed subject matter resides in the concept of establishing a line of credit for

borrowers, i.e., builders, prior to such borrowers applying for a specific construction loan.

The Van Collie article cited by the Examiner in support of the outstanding rejection is directed to a construction loan tool designed to address the identified problem of disbursement control. The Examiner alleges that Van Collie's article provides a builder initialization subprocess; a deal [sic] initialization subprocess; and a project-specific loan application subprocess. The recent Office Action also alleges that Louie discloses a loan tracking and management system for administering a loan including many of the features also assigned to Van Collie (i.e., providing requested builder/dealer/loan data to an on-line system) and, in addition an "approved" indicator for funds transfer. The recent Office Action then asserts that " ...it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Van Collie to include a builder initialization subprocess, a dealer initialization subprocess, and a project-loan application process capable of providing requested data, analyzing the data, and approving each respective subprocess as taught by Louie et al. in order to efficiently organize data and provide a system with strong controls that provides assurances about where lenders and builders stand in each construction project.

After reviewing both the Van Collie article and Louie et al. reference, Applicants agree that both are directed to computerized and possibly web or network enabled systems. Applicants, on the other hand, maintain that **neither** Van Collie nor Louie et al. disclose any aspect related to the presently claimed establishment of a line of credit for the builder (borrower) on which the builder may base as yet un-submitted project-specific loan applications.

In contrast, in accordance with the presently claimed subject matter, a builder establishes a line of credit with a system administrator and then applies for a loan for a specific project only by specifying project specific data which is

then evaluated based on project related criteria as well as the previously established line of credit. For example, note that portion of presently submitted claim 22 reciting in pertinent part that the automated process includes (emphasis added):

a project-specific loan application subprocess, comprising;  
providing requested project specific loan data to an on-line system;  
analyzing said requested project specific loan data; and  
approving a builder for a project-specific loan based at least in part on the established line of credit

Applicants submit that neither Van Collie nor Louie et al. provide for or make obvious such an arrangement. At most, the combined teachings of Van Collie and Louie et al. might teach a software based, web capable construction loan administration system where a construction loan is applied for with respect to a specific planned project by what can only be considered normal loan application processes. Such loan applications would include such as specifics to the planned project as well as financial considerations relating to the builder and possibly aspects relating to every other entity involved in the specific project.

In contrast, in accordance with the presently claimed subject matter, a builder (borrower) is provided with a line of credit independent of even whether or not he has any project in mind much less a specific project. Further, in accordance with presently claimed subject matter, a builder (borrower), once assigned his line of credit, need only provide limited information regarding one or more specific projects. Clearly, such a process would be advantageous for a number of reasons, not the least of which would be eliminating the necessity of

duplicating substantial portions of future specific project related loan applications, thus saving all involved entities time and money.

Applicants respectfully submit that neither Van Collie nor Louie et al. individually or collectively envision or make obvious such an arrangement.

With respect to presently submitted independent claim 35, it should be appreciated that such presently claimed subject matter includes the recitation in pertinent part (emphasis added) of “A web-based application for providing a multi-level construction system ... comprising the following selectable services: ... a credit line establishment service, available to certified builders, for establishing funding limits for loan applications....”

Further with respect to presently submitted independent claim 46, it should be appreciated that such presently claimed subject matter includes in pertinent part (emphasis added) the recitation of “A web-based communications network for automatically administering a controlled relationship between a borrower and an inspector for automated construction loan financing, comprising ...a credit line establishment service, available to certified potential borrowers, for establishing funding limits for loan applications....”

As previously explained, it is Applicants’ position that neither Van Collie nor Louie et al. individually or collectively envision or make obvious such arrangements.

In light of the above Remarks, Applicants respectfully submit that Van Collie in view of Louie et al. does not make obvious present independent claims 22, 35 and 46, and acknowledgement of the same is respectfully requested. As such, withdrawal of the obviousness rejection of such claims is respectfully requested.

With respect to claims 23-30, 32-34, 36-37, 42-45, 47-48, and 50, Applicants note that each of these claims depends directly or indirectly on

otherwise allowable claims 22, 35, and 46 and should, therefore, also be allowable.

**REJECTION OF ORIGINAL CLAIMS 31, 38-41, and 48 (35 U.S.C. §103(a)):**

Claims 31, 38-41, and 48 stand rejected under 35 U.S.C §103(a) as being allegedly obvious over Van Collie in view of Louie et al. and further in view of Official Notices taken by the Examiner.

Applicants agree in general with the various statements of Official Notice taken by the Examiner, as far as individual statements go. However, Applicants point out that such statements regarding those things that are alleged to be well known in the art do not include establishment of a line of credit for as yet un-applied for construction loans. Furthermore, as claims 31, 38-41, and 48 depend directly or indirectly on otherwise allowable independent claims 22, 35, or 46 per above, such claims should also be allowable. Acknowledgement of the same is respectfully requested. As such, withdrawal of the obviousness rejection of such claims is respectfully requested.

**CONCLUSION:**

Inasmuch as all outstanding issues have been addressed, it is respectfully submitted that the present application, including claims 22-50, is in complete condition for issuance of a formal Notice of Allowance, and action to such effect is earnestly solicited. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this response in order to permit early resolution of same.

Respectfully submitted,

DORITY & MANNING,  
ATTORNEYS AT LAW, P.A.

March 31, 2008

Date

A handwritten signature in black ink, appearing to read "Richard M. Moose", is written over a horizontal line.

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